

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

SMARTFLASH LLC and)
SMARTFLASH TECHNOLOGIES)
LIMITED,)
Plaintiffs,)
v.) Civil Action No. 6:13-cv-447
APPLE INC., ROBOT ENTERTAINMENT,)
INC., KINGSLIE ENTERTAINMENT, INC.,)
and GAME CIRCUS LLC,)
Defendants.)

I, Todd Parish, hereby declare as follows:

1. I am a private investigator, and the president of Parish Litigation Services & Investigations, Inc. I have personal knowledge of the facts contained in this declaration and, if called upon to testify to the truth of these facts, I could and would do so competently.

2. Parish Litigation Services & Investigations, Inc. provides investigative services as a Texas licensed private investigator. Parish Litigation Services & Investigations, Inc. is located at 606 W. Tyler St., Suite C in Gilmer, Texas, which is within the Eastern District of Texas. I reside in Gilmer, Texas, which is also within the Eastern District of Texas.

3. I was asked to investigate the address 100 E. Ferguson St., Suite 406, Tyler, TX 75702 and to determine whether it is regularly being used by Smartflash LLC to conduct business. Pursuant to this assignment, I visited 100 E. Ferguson St., Suite 406, Tyler, TX several times on weekdays during business hours.

4. By my observation, there is only one building with the number 100 on E Ferguson St. The building is a high rise and says "Regions" on the outside.

5. I was able to locate Suite 406. The door was solid and next to it was a sign indicating "406 Smartflash, LLC."

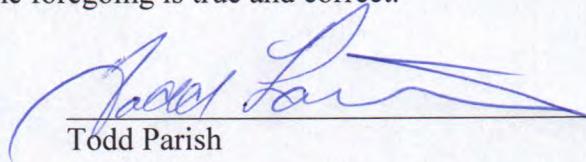
6. I inspected the office at 100E Ferguson St., Suite 406, Tyler TX 75702 multiple times on weekdays during business hours. Each time, attempted to enter the office and found the door to be locked. I also knocked on the door and received no answer. The dates and times at which I knocked on the door, attempted to enter the office, and found the door locked are:

- Wednesday 9/11/2013 at 1:45 PM and 1:53 PM
- Tuesday 9/17/2013 at 9:35 AM; 10:01 AM and 10:14 AM
- Thursday 9/19/2013 at 2:24 PM and 2:59 PM.

7. At no time did I observe anyone entering or exiting Suite 406.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 26, 2013


Todd Parish